

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9471 OF 2005

National Telecom of India Ltd. ..Petitioner.

Vs.

The Regional Provident Fund Commissioner ..Respondent.

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Ms. Ranjana Todankar i/b Mr. S.S. Pakale for the Petitioner.

Mr. Suresh Kumar for the Respondent.

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CORAM: DR. D.Y. CHANDRACHUD, J.

22nd June, 2006.

P.C. :

In as much as an appeal would lie against the impugned order of the Provident Fund authorities determining damages under Section 14B of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952, the Petitioners have an alternate remedy. Hence, this petition need not be entertained at this stage. Mr. Suresh Kumar, learned counsel appearing for the Respondent states that at present the Presiding Officer of the Tribunal is still to take charge. In that view of the matter, counsel appearing for the Petitioner seeks an interim protection until the application for stay is taken up by the Tribunal once it is constituted. The total demand

in the present case is Rs.6,82,385/-. The Petitioner shall deposit an amount of Rs.2 lacs with the Respondent within a period of two weeks from today and shall be at liberty to file an appeal before the Tribunal, upon deposit, within a period of four weeks. In the event of the appeal being filed in accordance with the aforesaid directions, the Tribunal shall entertain and consider the appeal on merits.

Upon the aforesaid deposit no coercive steps shall be taken until 31st October, 2006 or until the Tribunal takes up the application for stay whichever is earlier. In the event that the Tribunal is still not constituted on or before 31st October, 2006, it would be open to the Petitioner to revive this Petition and to apply for further directions. The Petition is accordingly disposed of.